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16 Attorneys for Defendant  
17 TRENT WEST

18  
19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN JOSE DIVISION

22 C&C JEWELRY MANUFACTURING, INC.,  
23 a California corporation,

Case No. 5:09-cv-01303-JF-HRL

24 Plaintiff and Counter-Defendant,

**STIPULATION TO AMEND PLAINTIFF  
C&C JEWELRY MFG., INC.'S PATENT  
L.R. 3-3 INVALIDITY CONTENTIONS**

25 v.

26 TRENT WEST,

27 Defendant and Counter-claimant.  
28

1 Declaratory Judgment Plaintiff, C&C Jewelry Manufacturing, Inc. (“C&C”) and Defendant  
 2 Trent West (“West”), by and through their undersigned counsel of record, have agreed and stipulated to  
 3 an amendment of C&C’s Patent L.R. 3-3 Invalidity Contentions under Patent L.R. 3-6. C&C recently  
 4 discovered three prior art references—U.S. Patent Nos. 4,574,011 (“Bonjour”) and 4,606,767  
 5 (“Nagato”), and Great Britain Patent No. 2,081,741 (“Shibata”—that C&C asserts are material to the  
 6 patentability of the patents asserted in this case. (By entering into this stipulation, West does not admit  
 7 to the materiality of the above referenced patents). C&C’s ongoing search for references recently led to  
 8 the discovery of Bonjour, Nagato, and Shibata; due to certain nuances of these disclosures and of the  
 9 prosecution history, they were not previously discovered by C&C search professionals.

10 C&C advised West of its recent discovery of these prior art references, and by and through this  
 11 stipulation, West agrees that C&C should be permitted to amend its contentions to add contentions  
 12 related to these prior art references. Furthermore, C&C and West agree that this amendment will cause  
 13 no undue prejudice to West.

14 Accordingly, C&C and West respectfully request that the Court issue an Order, for good  
 15 cause shown, permitting C&C to amend its Invalidity Contentions in the manner requested above.

16 Respectfully stipulated to by:

17 STORM LLP

KING & KELLEHER, LLP

18 By: /s/ John G. Fischer  
 19 John G. Fischer

By: /s/ Alvin B. Lindsay  
 Alvin B. Lindsay

20 Attorneys for Plaintiff C&C Jewelry Mfg., Inc.

Attorneys for Defendant Trent West

21 Date: April 13, 2010

Date: April 13, 2010

#### 24 FILERS ATTESTATION

25 Pursuant to General Order No. 45, Section X (B) regarding signatures, I, John G. Fischer, attest  
 26 that concurrence in the filing of this document has been obtained.

27 /s/ John G. Fischer  
 28 John G. Fischer

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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DATED: 4/15/10, 2010



Hon. Jeremy Fogel  
United States District Judge  
Northern District of California

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1                   **CERTIFICATE OF SERVICE**  
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5                   I certify that all counsel of record is being served on April 13, 2010 with a copy of this document  
6                   via the Court's CM/ECF system.  
7

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9  
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11                  By: /s/ John G. Fischer  
12                  John G. Fischer

13                  Attorneys for Plaintiff  
14                  C&C JEWELRY  
15                  MANUFACTURING, INC.

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